



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

EXHIBIT

7

Court of Common Pleas

MOTION FOR...
December 29, 2022 14:02

By: WILLIAM J. NOVAK 0014029

Confirmation Nbr. 2736514

THOMAS WILLIAMS

CV 22 971623

vs.

Judge: MICHAEL J. RUSSO

MICHELLE HUNG, ET AL

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

THOMAS WILLIAMS)	CASE NO. CV-22-971623
)	
Plaintiff,)	
)	
v.)	JUDGE: MICHAEL J. RUSSO
)	
MICHELLE HUNG, et al.)	PLAINTIFF'S SECOND MOTION
)	FOR PROTECTIVE ORDER AND
Defendants.)	REQUEST FOR SANCTIONS
)	
)	
)	
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Now comes Plaintiff by and through counsel and submits this Second Motion for Protective Order regarding discovery requests that were forwarded to Plaintiff's counsel on December 27, 2022 and Request for Sanctions. The attached brief will elaborate further.

Respectfully submitted

/s/William J. Novak
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BRIEF

On December 27, 2022, at approximately 4:50 PM, the Defendant Bardwell sent an email to Plaintiff's counsel which attached a Motion for Extension of Time to Address Conflicts Issues. (See Exhibit 1) Later that evening at 7:05 PM, Defendant Bardwell sent another email on behalf of both Defendants, Bardwell and Harry Williamson attaching another Motion for Extension of Time to Address Conflicts and in addition, another set of discovery requests upon the Plaintiff signed by Defendant Bardwell on behalf of Codefendant Harry Williamson. (See Exhibit 2) The act in submitting these discovery requests is another demonstration of Defendant Bardwell's total disrespect for this Court and its description of Bardwell's representation of Codefendant Williamson as "intractable".

His conduct continues without regard for this Court or counsel, like the loose cannon that he is:

- On November 25, 2022, the Plaintiff filed a Motion to Disqualify the Defendant Bardwell from representing the Codefendant, Henry Williamson, citing multiple violations of the Ohio Code of Professional Conduct;
- On December 12, 2022 Defendant Bardwell filed a Brief in Opposition to Plaintiff's Motion to Disqualify;
- On December 12, 2022 this Court held Plaintiff's Motion to Disqualify in abeyance until December 28, 2022 so that Defendant Bardwell could research and/or seek expert advice on the propriety of representing himself, as well as Codefendant Williamson;

- On December 12, 2022 when this Honorable Court referred to Defendant Bardwell's representation as "intractable", Defendant Bardwell then became fully aware that the conflict issue was on the table, was not resolved, and that any further action should not take place;
- Subsequent to December 12, 2022, and pursuant to a discussion on the record at the hearing held on December 12, 2022, Defendant Bardwell, presumably and pursuant to his malpractice insurance policy had contact with the Reminger law firm, specifically, Jonathan Krol;
- The Reminger law firm determined that it had a conflict and could not represent Defendant Bardwell;
- On December 27, 2022, the Defendant Bardwell filed a Motion for Extension of Time to Determine Conflict Issues and submitted additional discovery requests upon Plaintiff despite the fact that the issue of Bardwell's representation of Williamson had not been resolved by this court;
- On December 28, 2022 this Court granted Plaintiff's first Motion for Protective Order.

Not only did Defendant Bardwell file a motion for extension to deliberately delay these proceedings, he submitted additional discovery requests when the conflict issue had not yet been resolved by this Court and a motion for protective order was pending. Bardwell did not have authority to submit any further discovery which is confirmed by this Court's order of December 28, 2022.

Rule, 26(C) of the Ohio Rules of Civil Procedure reads as follows:

(C) Protective orders. Upon motion by any party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order that justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: **(1)** that the discovery not be had;

Rule 26 - General Provisions Governing Discovery, Ohio McIvor. 26

Bardwell should not be permitted to submit any discovery requests until the issue of the conflict is finally resolved pursuant to this Court's ruling of December 28, 2022.

CONCLUSION

This second motion for protective order should be granted and sanctions should issue as Bardwell lacked authority to submit the requests.


Respectfully submitted

/s/William J. Novak
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

Defendants Williamson and Bardwell are being served on attorney Bardwell and Defendant Hung on attorneys Robert Cahill and George Geddes by email this 29th day of December 2022.

/s/William J. Novak
WILLIAM J. NOVAK (0014029)

From: Brian Bardwell brian.bardwell@speech.law 
Subject: Re: Williams v. Hung: Motion for extension of time
Date: December 27, 2022 at 7:05 PM
To: William Novak william@novak-law.com, Robert E. Cahill rcahill@sutter-law.com, George Geddes geddesatty@gmail.com, greg peltz greg.peltz@lcprosecutor.org

Counselors:

Given the fluidity in who is representing whom here, the actual filing was revised to reflect that I was filing it on my own behalf and on behalf of Mr. Williamson, in hopes of avoiding any questions about who has standing to request the extension. The version as filed is attached.

I also wanted to make sure that everyone has received the discovery demands that have gone out already, so those are attached as well.

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www.speech.law

On Tue, Dec 27, 2022 at 4:50 PM Brian Bardwell <brian.bardwell@speech.law> wrote:
Please see the attached motion for extension of time, which will be filed shortly.

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